

Applicant: Richard B. Himmelstein
Application No.: 09/666,725

REMARKS

Claims 1-4 are pending in the present application. Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0091611 to Minton (hereinafter “Minton”). Claim 1 has been provisionally rejected under 35 U.S.C. §101 for “same invention” type double patenting as claiming the same invention as that of claim 1 of copending Application No. 09/921,534. Claim 1 has also been objected to due to several informalities in the claim language.

By the foregoing amendments, Applicant has amended claim 1 to clarify the language used therein, to overcome the Examiner’s objections. New dependent claims 2-4 have been added, to further emphasize the features of the present invention. Applicant has also amended the specification to correct typographical errors and the drawings to correct duplicate reference numerals and missing leader lines.

Minton discloses an online system and method for securities trading. The system of Minton includes typical stock trading functionality, such as buying, selling, and making markets (see paragraphs 0053-0058). Furthermore, Minton calls for the inclusion of a broker into the system, to approve both a buy transaction and a sell transaction before the transaction can be posted to the trading system (see paragraphs 0095-0097).

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As compared to independent claim 1 of the present application, Minton does not disclose means for designating a date range for transferring title. The reference made by the Examiner to Figure 4 of Minton to “time” relates to the sales data window 430, which “displays the time, the size, and the price of all orders that have been executed on the individual securities trading network” (see paragraph 0072); this is not the same as the date range for transferring title. Minton also fails to disclose means by which a barterer may elect between deferring the transfer of title and electing to transfer title along with the completion of a barter transaction, as recited in independent claim 1 of the present application. The transactions of Minton are completed once a user selects a matching order to complete their transaction (see paragraphs 0089 and 0097).

Because Minton fails to disclose two of the features recited in independent claim 1, claim 1 is distinguishable over Minton. The claims depending from claim 1 (i.e., claims 2-4) are therefore also be distinguishable over Minton.

With respect to the provisional double patenting rejection under 35 U.S.C. §101, Applicant notes that the present application and Application No. 09/921,534 have different ownership. Application No. 09/921,534 has been assigned to Barter Securities, Inc., while the present application remains in the name of the sole inventor, Richard B. Himmelstein. Therefore, the provisional double patenting rejection should not be applied at the present time, and it is respectfully requested

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that the double patenting rejection be deferred until one of the applications is allowed.

It is respectfully submitted that the amendments and remarks made herein place pending claims 1-4 in condition for allowance. Accordingly, entry of this amendment as well as reconsideration and allowance of pending claims 1-4 are respectfully requested.

If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

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Enclosures (3)